IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006/29TH AGRAHAYANA 1928

RP.No. 1099 of 2006()

{IN M.F.A.NO.1181/1994 OF THIS COURT IN
OA.27/1992 OF THE FOREST TRIBUNAL, KOZHIKODE
.....

REVIEW PETITIONERS/RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, TRIVANDRUM.

2. CUSTODIAN OF VESTED FOREST,
EX-OFFICIO SPECIAL SECRETARY,
KOZHIKODE.

BY GOVERNMENT PLEADER SMT.SUSHEELA BHAT

RESPONDENTS/APPELLANTS:
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1. MAMMOOTTY, S/O.SAIDALI, PALLANICKEL HOUSE,
MOOPANAD, MEPPADI P.O., WYNAD DISTRICT
(EXPIRED)

2. THITHUTTY, W/O.LATE MAMMOOTTY,
RESIDING AT PALLANICKAL HOUSE, DO. DO.

3. SAIDALAVI, S/O.LATE MAMMOOTTY,
RESIDING AT DO. DO.

4. KUNHIMOHAMMED, S/O.LATE MAMMOTTY,
RESIDING AT DO. DO.

5. ASYA, D/O.LATE MAMMOOTTY, RESIDING AT
PALLANICKERI, DO. DO.

6. HAMSA, S/O.LATE MAMMOOTTY, RESIDING
AT DO. DO.

7. PATHU, D/O.LATE MAMMOOTTY, RESIDING
AT DO. DO.

BY ADV. SRI.T.RAMPRASAD UNNI
SRI.JAMES KOSHY

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, ALONG WITH WA NO.2225 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A.ABDUL GAFOOR &
J.M.JAMES, JJ.

C.M.Appln.No.2235 of 2006,
R.P.No.1099 of 2006
in M.F.A.No.1181 of 1994

Dated this the 20th day of December, 2006.

O R D E R

Abdul Gafoor, J.

C.M.Appln.No.2235 of 2006

Taking into account the exigency of the situation, even though the delay is exorbitant, we are of the view that the delay shall be condoned. We order so.

R.P.No.1099 of 2006

Immediately after condoning the delay, we heard the review petitioners.

2. The ground urged is that the order in S.L.P.No.5317/86, taken against the judgment in M.F.A.No.413/78, had not been taken note of, in spite of its mentioning in Annexure A7 counter affidavit filed even before the appeal was disposed of.

3. Anyhow, the review petitioners have no case either in M.F.A.No.1181/94 or in the review petition, that the appellant was a party to the said SLP. Necessarily, that judgment cannot determine the right between the parties in this appeal/review petition. So, we see no reason for entertaining this review petition on that ground.

Review Petition is accordingly dismissed.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(J.M.JAMES)
JUDGE

sk/

//true copy//

P.S. To Judge

K.A.ABDUL GAFOOR &
J.M.JAMES, JJ.

C.M.Appln.No.2235 of 2006,
R.P.No.1099 of 2006
in M.F.A.No.1181 of 1994

O R D E R

20th December, 2006.